

AMENDMENT TO DRAWINGS

The sheets of drawings attached as part of the Appendix are Replacement Sheets for the originally submitted drawings. These sheets, which include Figures 1 – 4, replace the original sheets including Figures 1 – 4. The Figures have been revised to address the formal matters noted by the Examiner.

REMARKS***Summary of the Amendment***

Upon entry of the above Listing of Claims, claims 1 – 35 will remain pending.

Summary of the Official Action

In the instant Office Action, the Examiner has indicated claims 15, 16, 27, 28, 31, and 35 contain allowable subject matter and would be allowable if presented in independent forms that include the features of their respective base claims. Further, the Examiner has objected to the drawings and rejected claims 1 – 14, 17 – 26, 29, 30, and 32 – 34 over the art of record. By the present amendment and remarks, Applicants submit that the objections and rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

Acknowledgment of Interview with Examiner

Applicants gratefully acknowledge the courtesy extended to their representative in an interview with Examiners Edel and Mayes on January 10, 2007. In the interview, the instant rejections were discussed and Applicants' representative pointed out, as the documents were not properly combined, the rejections were improper. The Examiners agreed to consider Applicants arguments upon submission.

Acknowledgment of Allowable Subject Matter

Applicants gratefully acknowledge and agree with the Examiner's indication that claims 15, 16, 27, 28, 31, and 35 contain allowable subject matter and would be allowable if presented in independent forms that include the features of their respective base claims. However, as Applicants believe all pending claims of the instant application are allowable, these claims are not being presented in independent form at this time.

Submission of Chinese Office Action

Applicants submit herewith a copy of a Chinese Office Action (with an English language translation) dated August 6, 2006 conducted in Chinese Application No. 2004 1000 3523.8, which is a counterpart of the instant application.

As this Office Action cites a previously cited document, i.e., U.S. Patent No. 4,889,138, the Office Action is submitted for the Examiner's review and consideration, but no documents for consideration by the Examiner are submitted. Accordingly, no fee is required for this submission.

Objection to Drawings is Moot

Concurrently herewith Applicants are submitting Replacement Sheets to replace the originally submitted drawings to address the formal matters noted by the Examiner in the instant rejection.

Accordingly, Applicants request entry of these drawings and an acknowledgment of acceptance.

Traversal of Rejection Under 35 U.S.C. § 103(a)

1. Over Repper in view of Gustavsson and Wochnowski

Applicants traverse the rejection of claims 1 – 14, 20 – 26, 30, 32, and 33 under 35 U.S.C. § 103(a) as being unpatentable over REPPER (U.S. Patent No. 2,157,801) in view of GUSTAVSSON (U.S. Patent No. 5,725,102) and WOCHNOWSKI et al. (U.S. Patent No. 3,831,610) [hereinafter “WOCHNOWSKI”]. The Examiner asserts, while REPPER fails to show an accumulator shaft, a sifter, a preliminary distributor, and at least one external delivery device, it would have been obvious to do so in view of the teachings of GUSTOVSSON and WOCHNOWSKI. Applicants traverse the Examiner's assertions.

Applicants' independent claim 1 recites, *inter alia*, at least one external delivery device for delivery of at least one additional component, wherein said at least one external delivery device is arranged between said store and said sifter relative to a transport direction of the product stream, and Applicants' independent claim 20 recites, *inter alia*, mixing the product stream with at least one further component within the distributor device after the store relative to a transport direction of the product stream. Applicants submit no proper combination of REPPER in view of GUSTAVSSON and WOCHNOWSKI renders unpatentable the instant invention.

As discussed in the interview, REPPER discloses a very basic system in which a tobacco stream is conveyed onto a mesh sieve. The tobacco product falling through the sieve is collected in a hopper and dispensed onto a conveyor. Applicants agree with the Examiner's assessment that this document fails to teach or suggest at least one external delivery device located between a sifter and a store, but do not agree that an obvious modification of REPPER in view of the teachings of GUSTAVSSON and WOCHNOWSKI renders the instant invention unpatentable.

In particular, while Applicants acknowledge GUSTAVSSON discloses a sifting device, Applicants submit the art of record fails to provide any teaching or suggestion as to how such a sifting device would be incorporated into the simple process of REPPER. Moreover, as GUSTAVSSON fails to provide any teaching or suggestion of an external delivery device, Applicants submit this document cannot even arguably provide any guidance to one ordinarily skilled in the art for the use of and/or the positioning of at least one external delivery device, as recited in the independent claims.

Further, Applicants note WOCHNOWSKI discloses a system for blending tobacco. However, Applicants note it is not apparent how one ordinarily skilled in the art would find it

obvious to modify the primary reference of REPPER to include the blended tobacco system of WOCHNOWSKI. Further, Applicants note, as WOCHNOWSKI fails to disclose sifting devices, there is no teaching or suggestion of the recited arrangement of the external delivery device recited in at least independent claim 1. Moreover, the applied art fails to provide any teaching or suggestion of mixing a component with the product stream downstream from the store, as recited in at least independent claim 20.

Accordingly, Applicants submit no proper combination of the applied art can even arguably render unpatentable the combination of features recited in at least independent claims 1 and 20. Further, Applicants note, not only do the pending claims recite elements not disclosed in the applied art, but the documents provide no arguable suggestion for the expressly recited arrangement in at least independent claim 1 or of the expressly recited method in at least independent claim 20.

Further, Applicants submit that claims 2 – 14, 21 – 26, 30, 32, and 33 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicants submit that no proper combination of REPPER in view of GUSTAVSSON and WOCHNOWSKI can render unpatentable the combination of features recited in at least claims 2 – 14, 21 – 26, 30, 32, and 33.

Therefore, Applicants request the Examiner reconsider and withdraw the rejection of claims 1 – 14, 20 – 26, 30, 32, and 33 and indicate these claims are allowable in the next official communication to the undersigned.

2. Over Repper in view of Gustavsson and Wochnowski and further in view of Gregory, III

Applicants traverse the rejection of claims 17 – 19 and 34 under 35 U.S.C. § 103(a) as

being unpatentable over REPPER in view of GUSTAVSSON and WOCHNOWSKI and further in view of GREGORY, III (U.S. Patent No. 4,763,672). The Examiner asserts GREGORY, III discloses adding material to a tobacco stream, and that it would have been obvious to modify the combination of REPPER, GUSTAVSSON and WOCHNOWSKI to include this feature of GREGORY, III. Applicants traverse the Examiner's assertions.

Applicants note GREGORY, III fails to provide any teaching or suggestion of the subject matter noted above as deficient in the asserted combination of REPPER, GUSTAVSSON and WOCHNOWSKI. That is, like REPPER, GUSTAVSSON and WOCHNOWSKI, GREGORY, III fails to provide any teaching or suggestion of the recited arrangement of at least one external delivery device relative to a sifter, as recited in at least independent claim 1 or to the mixing of a component with a product stream within the distributor, as recited in at least independent claim 20.

Further, Applicants note GREGORY, III fails to teach or suggest the requisite motivation or rationale to render the asserted combination of REPPER, GUSTAVSSON and WOCHNOWSKI proper. Thus, Applicants submit the art of record fails to render unpatentable at least independent claims 1 and 20.

Further, Applicants submit that claims 17 – 19 and 34 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicants submit that no proper combination of REPPER in view of GUSTAVSSON and WOCHNOWSKI and further in view of GREGORY, III can render unpatentable the combination of features recited in at least claims 17 – 19 and 34.

Therefore, Applicants request the Examiner reconsider and withdraw the rejection of

claims 17 – 19 and 34 and indicate these claims are allowable in the next official communication to the undersigned.

2. Over Repper in view of Gustavsson and Wochnowski and further in view of Norman

Applicants traverse the rejection of claims 29 and 34 under 35 U.S.C. § 103(a) as being unpatentable over REPPER in view of GUSTAVSSON and WOCHNOWSKI and further in view of NORMAN (U.S. Patent No. 3,572,348). The Examiner asserts NORMAN discloses adding an additive prior to forming the tobacco into cigarettes, and that it would have been obvious to modify the combination of REPPER, GUSTAVSSON and WOCHNOWSKI to include this feature of NORMAN. Applicants traverse the Examiner's assertions.

Applicants note NORMAN fails to provide any teaching or suggestion of the subject matter noted above as deficient in the asserted combination of REPPER, GUSTAVSSON and WOCHNOWSKI. That is, like GREGORY, III, NORMAN fails to provide any teaching or suggestion of the recited arrangement of at least one external delivery device relative to a sifter, as recited in at least independent claim 1 or to the mixing of a component with a product stream within the distributor, as recited in at least independent claim 20.

Further, Applicants note NORMAN fails to teach or suggest the requisite motivation or rationale to render the asserted combination of REPPER, GUSTAVSSON and WOCHNOWSKI proper. Thus, Applicants submit the art of record fails to render unpatentable at least independent claims 1 and 20.

Further, Applicants submit that claims 29 and 34 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicants submit that no proper combination of REPPER in view of GUSTAVSSON and WOCHNOWSKI and further in view

of NORMAN can render unpatentable the combination of features recited in at least claims 29 and 34.

Therefore, Applicants request the Examiner reconsider and withdraw the rejection of claims 29 and 34 and indicate these claims are allowable in the next official communication to the undersigned.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

Authorization to Charge Deposit Account

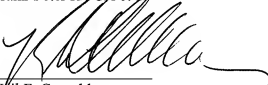
The undersigned authorizes the charging of any necessary fees, including any extensions of time fees required to place the application in condition for allowance by Examiner's Amendment, to Deposit Account No. 19 - 0089 in order to maintain pendency of this application.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 1 – 35. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,
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